



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Scott L. Warner, Esquire
Franczek Radelet
300 South Wacker Drive
Suite 3400
Chicago, IL 60606

JUL 02 2013

Re: MUR 6620

Dear Mr. Warner:

On August 8, 2012, the Federal Election Commission notified your clients, Olivet Nazarene University, Walter ("Woody") Webb, and Dennis Crocker of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. On June 25, 2013, the Commission found, on the basis of the information in the complaint, and information provided by your clients, that there is no reason to believe Olivet Nazarene University, Walter ("Woody") Webb, and Dennis Crocker violated 2 U.S.C. § 441b(a). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Kamau Philbert, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Shonkwiler", with a long horizontal line extending to the right.

Mark Shonkwiler
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Friends of Brian Woodworth MUR: 6620
and Hilary Woodworth in her official
capacity as treasurer

Olivet Nazarene University

Walter "Woody" Webb

Dennis Crocker

I. INTRODUCTION

Complainant alleges that congressional candidate Brian Woodworth received a prohibited in-kind contribution from Olivet Nazarene University (the "University") when the University, with the assistance of University Vice President Walter "Woody" Webb and University Dean Dennis Crocker, granted students internship credit for helping Woodworth gather the signatures he needed to qualify for appearance on the ballot as a candidate for the House of Representatives. Although the University provided evidence that it did not offer or grant any internship credits for gathering signatures, it acknowledged granting one hour of course credit to a student who interned at Woodworth's campaign office, as part of a University-approved independent study program.

As discussed below, the Commission previously has concluded that, as long as the sponsoring educational institution offers college credit in a manner which is nonpartisan and consistent with accepted accreditation standards, no in-kind contribution results from the work performed when a student receives college credit for an uncompensated internship at the campaign office of a federal candidate. Therefore, the Commission finds no reason to believe

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1 that Olivet Nazarene University, Walter ("Woody") Webb, and Dennis Crocker violated
2 2 U.S.C. § 441b(a), or that Friends of Brian Woodworth and Hilary Woodworth in her official
3 capacity as treasurer violated 2 U.S.C. §§ 434(b) and 441b(a), and closed the file.

4 **II. FACTS**

5 **A. Background**

6 Brian Woodworth was a candidate for Congress in the Second Congressional District of
7 Illinois in 2012. Woodworth was also an associate professor of criminal justice in the
8 University's School of Professional Studies between August 2006 and August 1, 2012. *See*
9 University Resp. at 1; Committee Resp. at 2, Attach. 2 ("Woodworth Aff."). The University is a
10 4,600 student private institution in Illinois that operates as a 501(c)(3) non-profit corporation.
11 *See* <http://www.olivet.edu/fast-facts/> (last visited January 30, 2013); University Resp. at 1.
12 Webb is the University's Vice President for Student Development, and Crocker is the Dean of
13 the University's School of Professional Studies.

14 Woodworth filed his Statement of Candidacy and a Statement of Organization with the
15 Commission on January 30, 2012, designating Friends of Brian Woodworth as his principal
16 campaign committee (the "Committee").¹

17 **B. Alleged University Support for Woodworth's Candidacy**

18 A February 8, 2012, article in the University's student run newspaper reported that
19 Woodworth had received help from University student volunteers in launching his campaign.
20 Nicole LaFond, *Professor Prepares to Run for Congress*, GLIMMERGLASS, Feb. 8, 2012,
21 *available at* http://issuu.com/glimmerglass/docs/february_8 (last visited January 29, 2013)

¹ The Committee amended its Statement of Organization on September 18, 2012 replacing Ryan Hayes as the Committee's treasurer with Hilary Woodworth.

1 ("GlimmerGlass article"). The article quotes Woodworth as stating that several students of a
2 University political science club, Capitol Hill Gang, helped him get the requisite 600 ballot
3 access signatures he needed to appear on the ballot. *Id.* Reportedly, the students also did
4 research and graphic design for Woodworth's primary election campaign. *Id.*

5 On February 12, 2012, Complainant, Woodworth's opponent in the Republican
6 congressional primary election, complained to the University about the University's apparent
7 support of Woodworth's candidacy, as described in the student newspaper article. The student
8 newspaper ran a clarification in its March 15, 2012, issue stating that, though some had
9 interpreted the prior article as suggesting the University's endorsement of Woodworth's
10 candidacy, the University is legally prohibited from participating in any political campaign on
11 behalf of (or in opposition to) any candidate for elective public office. *See* University Resp.,
12 Ex. I; http://issuu.com/glimmerglass/docs/march_15 (last visited January 30, 2013).

13 Complainant subsequently filed this Complaint alleging that the University made, and the
14 Committee received, an in-kind contribution by giving college credits to students who helped
15 Woodworth gather signatures to appear on the ballot. *See* Compl. at 1. Complainant alleges that
16 Woodworth, Webb, and Crocker solicited the students' help by promising and giving them
17 internship credits, which Complainant valued at \$1,136 per credit. Complainant also asserts that
18 the alleged offer to compensate the students with college credit is evidence that the students were
19 not volunteers. Complainant did not provide information showing that an offer of credit was
20 made or that any internship credit was actually given to students who gathered signatures.

21 Respondents deny the allegations and submitted sworn affidavits from University
22 officials in support. An affidavit from the University's Registrar, Jim Knight, attests that the
23 University did not give any student internship credit for gathering Woodworth's ballot access

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1 signatures. University Resp. at 3, Ex. E ("Knight Aff."). The University and Webb also assert
2 that Webb could not have given internship credit to students because he did not have that
3 authority. University Resp. at 4, Ex. J ("Webb Aff."). Both Webb and Crocker also attest that
4 neither of them arranged for or approved any college credit for students who worked on
5 Woodworth's campaign or took any action in support of Woodworth's candidacy. Webb Aff.;
6 University Resp. at 5, Ex. L ("Crocker Aff."). The University speculates that any student who
7 gathered ballot access signatures for Woodworth likely volunteered. University Resp. at 3.
8 Further, the University provided a copy of correspondence by which it cautioned Woodworth
9 that it could not support his candidacy and that "there must be no perception that there is a
10 linkage between Olivet and your campaign." See University Resp. at 5, Ex. M.

11 The Committee, in its response, asserts that since no University students actually received
12 internship credits, or anything else of value, for gathering Woodworth's ballot access signatures,
13 no in-kind contribution was made, or received. Committee Resp. at 2. The Committee, in a
14 sworn affidavit from Woodworth, asserts that all of the students who gathered Woodworth's
15 ballot access signatures were unpaid volunteers. *Id.* at 2, Attach. 2 ("Woodworth Aff.").

16 The University, however, acknowledges that one student received one credit toward a
17 Political Science minor for an internship at Woodworth's campaign office during the 2012 spring
18 term. See University Resp. at 3. The student drafted press releases, advertisements, and other
19 campaign materials during February and March 2012. See *id.*, Ex. F. The University explained
20 that the internship was part of its "directed study" program, a self-designed course in which a
21 student pursues a topic of interest that is not available through a regularly offered course.
22 University Resp. at 3. The University explained that the internship must be approved by a

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University faculty member and be processed through the University's Office of the Registrar for the student to receive credit. *Id.*

The Political Science faculty member who approved the student's directed study at Woodworth's campaign office, David Claborn, declared in a sworn affidavit that he did not encourage the student to volunteer for Woodworth's campaign. *See* University Resp. at 3, Ex. G ("Claborn Aff."). Further, this faculty member stated that he "consistently informed students that they could volunteer for any candidate, including James Taylor, Sr. [Woodworth's opponent in the Republican congressional primary]." *See* Claborn Aff.

III. LEGAL ANALYSIS

The Complaint alleges that the University, a non-profit corporation, made a prohibited in-kind contribution to the Committee when it compensated students — in the form of college internship credits — for gathering signatures to place Woodworth's name on the Illinois ballot.

Corporations are prohibited from making contributions in connection with a federal election, and political committees are prohibited from knowingly accepting or receiving corporate contributions. 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(b)(1). Corporate officers are prohibited from consenting to corporate contributions in connection with a federal election. 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(e). Contributions to political committees must be disclosed to the Commission. 2 U.S.C. § 434(b).

A contribution includes anything of value made by any person for the purpose of influencing any election for federal office or the payment by any person of compensation for the personal services of another person which is rendered to a political committee without charge for any purpose. 2 U.S.C. § 431(8)(A); 11 C.F.R. §§ 100.52, 100.54. The value of services provided without compensation by any individual who volunteers on behalf of a candidate or

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1 political committee, however, does not constitute a contribution. 2 U.S.C. § 431(8)(B)(i);
2 11 C.F.R. § 100.74.

3 In Advisory Op. 1975-100 (Moss), the Commission specifically addressed whether
4 college credit received for an internship in a federal campaign office was compensation, and thus
5 a contribution from the college to the campaign. In that request, Utah Senator Frank Moss asked
6 the Commission whether in-kind contributions would result from having political science
7 students from the University of Utah receive college internship credits for serving as voluntary
8 interns in his campaign office. The Commission concluded that, if the university's internship
9 program was conducted in a nonpartisan manner and in a manner consistent with accepted
10 accreditation standards generally applicable to institutions of higher education, receiving college
11 credit would not constitute compensation.

12 Based on the facts presented in this matter, it does not appear that the University made an
13 in-kind contribution to the Committee. With respect to the allegation that an in-kind contribution
14 resulted from students receiving internship credit for collecting ballot signatures for Woodworth,
15 Respondents deny that students were granted college credits and provided sworn affidavits from
16 Woodworth, the University's Registrar, and other University officials in support. See University
17 Resp. at 3-5; Committee Resp. at 2. In contrast, the Complainant provides no supporting
18 information to substantiate his assertion that the students who gathered ballot access signatures
19 for Woodworth received college credits for their efforts, and we have uncovered no information
20 showing that they did. Accordingly, there is no basis on which to conclude that respondents
21 made or received an in-kind contribution in connection with students gathering signatures.

22 The University concedes, however, that a single political science student received one
23 college credit for completing a two-month internship in Woodworth's campaign office in

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1 February and March 2012, as part of the University's standard directed study program. *See*
2 University Resp. at 3. The credit granted to the student would not constitute compensation,
3 however, if the university's directed study program was conducted in a nonpartisan manner and
4 in a manner consistent with accepted accreditation standards generally applicable to institutions
5 of higher education.² *See* Advisory Op. 1975-100 (Moss). The available information shows that
6 the University's internship program was conducted in a nonpartisan manner and in a manner
7 consistent with accepted accreditation standards generally applicable to institutions of higher
8 education.³ Specifically, the University provided information indicating that: (1) the student
9 receiving the internship credit independently chose Woodworth's campaign; (2) the University
10 professor who approved the directed study and the internship credit did not encourage the student
11 to volunteer for Woodworth's campaign and also informs students that they could volunteer for
12 any candidate, including Woodworth's opponent, *see* Claborn Aff.; and (3) the University
13 maintains that its 501(c)(3) nonprofit status prohibits it from supporting or opposing any
14 candidate. *See* University Resp. at 4. Given that the University does not encourage or
15 discourage students to volunteer for candidates of any particular party, the directed study
16 program appears to be nonpartisan. Although Woodworth's status as a professor in the Criminal
17 Justice department at the University could give him a practical advantage over other candidates

² There is no information to indicate that the student received any other form of compensation, e.g. a scholarship or stipend, for participating in the internship program. The available information indicates that participants in the University's directed study program are required to pay regular tuition to the University. *See* <http://www.olivet.edu/directed-study/> (last visited January 30, 2013).

³ The Commission in Advisory Op. 1975-100 did not set forth specific criteria for evaluating whether an internship program is nonpartisan, nor have there been any subsequent opinions or enforcement matters providing further guidance for determining whether this standard is met. When the opinion was issued, two Commissioners dissented, stating that they would not have required that such a program be conducted in a nonpartisan manner or in accordance with accreditation standards. *See* Dissent of Comm'rs Aiken & Harris, Advisory Op. 1975-100 (Moss).

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1 in recruiting potential student interns, this does not amount to political partisanship of the
2 directed study program.

3 The University also appears to be fully accredited, *see* <http://www.olivet.edu/fast-facts/>,
4 and the directed study program is listed as a standard curriculum on the university's website, *see*
5 <http://www.olivet.edu/directed-study/>. Accordingly, nothing suggests the internship program
6 was not conducted in a manner consistent with accepted accreditation standards generally
7 applicable to institutions of higher education.

8 Therefore, the Commission finds no reason to believe that Olivet Nazarene University,
9 Walter ("Woody") Webb, and Dennis Crocker violated 2 U.S.C. § 441b(a), or that Friends of
10 Brian Woodworth and Hilary Woodworth in her official capacity as treasurer violated 2 U.S.C.
11 §§ 434(b) and 441b(a), and closed the file.

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